

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SEAN PRESSLEY,	)	
	)	Civil Action No. 01 - 2468
Plaintiff,	)	
	)	
vs.	)	Magistrate Judge Lenihan
	)	
	)	Doc. No. 116
SUPT C. BLAINE, ET AL,	)	
	)	
Defendants.	)	

**ORDER ON MOTION FOR TRO/PRELIMINARY INJUNCTION**

On January 3, 2007 Plaintiff filed a motion for a temporary restraining order or preliminary injunction concerning the way in which he was allowed to access his legal materials at SCI- Camp Hill. A response was filed on March 5, 2007 and a telephonic hearing held on March 26, 2007.

At this hearing, testimony was heard from Plaintiff, along with Major Thomas Derfler at SCI-Mahanoy, where Plaintiff is currently housed<sup>1</sup>. Plaintiff testified that since his recent transfer to SCI-Mahanoy he has not requested access to his legal materials and does not know if he will be subject to the same issues alleged to have occurred at SCI-Camp Hill. Major Derfler testified that the procedures at SCI-Mahanoy are to place all of

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<sup>1</sup>Plaintiff is to file a notice of change of address with the clerk as the Court was unaware of his transfer until this hearing commenced.

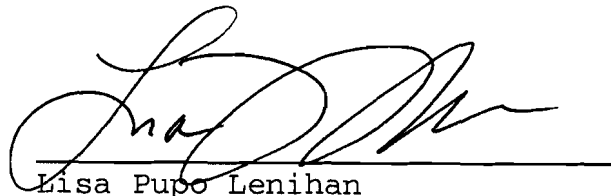
Plaintiff's legal material boxes in a room with Plaintiff and allow him to chose what materials he wants to comprise a single box that he will be allowed to take back into his cell. This procedure would be allowed every 30 days, unless the inmate could produce a court order indicating that he was under a specific deadline that occurred prior to the 30 day term. The Court requested that Plaintiff be given access to his legal material within the next 5 days and Major Derfler agreed to this request.

The Court also discussed with Plaintiff when he would be able to file a response to the motion for summary judgment filed by defendants on March 15, 2007. He indicated that he could file a response within 30 days of being given access to his legal materials.

As Plaintiff has failed to prove any immediate irreparable harm, and given the testimony of Defendants regarding the procedures for providing Plaintiff access to his legal materials, the following order is entered,

**AND NOW**, this 26<sup>th</sup> day of March, 2007, **IT IS HEREBY ORDERED** that the Motion for TRO/Preliminary Injunction (Doc. No. 116) is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff's response to the Motion for Summary Judgment is due no later than April 25, 2007.

A handwritten signature in black ink, appearing to read 'Lisa Pupo Lenihan', is written over a horizontal line.

Lisa Pupo Lenihan  
United States Magistrate Judge

cc: SEAN PRESSLEY  
CG-4129  
SCI Mahanoy  
301 Morea Road  
Frackville, PA 17932

Counsel of Record